

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

PP04-05-168 The **Cambrian Branch Library Project** involves the 1) acquisition through eminent domain of a 0.18-acre portion of an adjacent vacant lot, 2) demolition of an existing 10,126 square foot library, and 3) construction of a 27,317 square foot two-story branch library facility with 2 surface parking lots on a 1.56 gross acre site in the R-1-8 Residence and A(PD) Planned Development Zoning Districts located on the south side of Hillsdale Avenue approximately 200 feet easterly of Ross Avenue (City of San Jose, Owner; Branch Library Development Team, Department of Public Works, Developer). Council District: 9

California State Law requires the City of San José to conduct environmental review for all pending projects that require discretionary action by City Council. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the City Council has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the City Council's intent to adopt a Mitigated Negative Declaration for the proposed project on **January 11, 2005**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **December 22, 2004** and ends on **January 10, 2005**.

The City Council intends to award construction for the project described above on **January 11, 2005 at 6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday, Wednesday and Friday and 10:00 a.m. to 5:00 p.m. Tuesday and Thursday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. 1st Street, Rm. 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Cambrian Branch Library, 1780 Hillsdale Avenue San José, CA 95124 San Jose, and online at <http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2004.htm>. Adoption of a Mitigated Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Teresa Estrada** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: December 21, 2004

Deputy

PP04-05-168 MNDPN/SBA/TE

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Cambrian Branch Library Project

PROJECT FILE NUMBER: PP04-05-168

PROJECT DESCRIPTION: The Cambrian Branch Library Project involves the acquisition through eminent domain of a 0.18-acre portion of an adjacent vacant lot, the demolition of an existing 10,126 square foot library, and the construction of a 27,317 square foot two-story branch library facility with 2 surface parking lots on a 1.56 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: South side of Hillsdale Avenue, approximately 200 feet easterly of Ross Avenue; 447-09-093, 447-11-001

COUNCIL DISTRICT: 9

APPLICANT/CONTACT INFORMATION:

Applicant: Rich Desmond, Deputy Director, Library Department, 675 N. First Street Suite 300, San Jose, CA 95112

Contact: Domenic Onorato, Branch Library Development Team, Department of Public Works, 675 North First Street Suite 300 San José, CA 95110

FINDINGS

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. **AESTHETICS** – The project site consists of a one-story building, paved parking lot and landscaping and is located within an urban area. There are no scenic vistas or scenic resources along a designated scenic highway that would be affected by this project. The project will not have significant impacts on aesthetic resources; therefore no mitigation is required.
- II. **AGRICULTURE RESOURCES** – The project site, located within an urban area, is not designated as prime farmland and is not used for agricultural purposes. The project will have no impacts on agricultural resources; therefore no mitigation is required.
- III. **AIR QUALITY** – Construction of the proposed project could result in significant short-term air quality impacts associated with dust generation. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a less than significant level. To reduce short-term air quality impacts associated with construction to a less than significant level, the Public Works Engineer shall ensure that the following construction practices are included in all construction contract documents and plans and shall be implemented by the contractor during all phases of construction on the project site:
- Use dust-proof chutes for loading construction debris onto trucks.
 - Apply water to control dust generation during demolition of structures and break-up of pavement.
 - Cover all trucks hauling demolition debris from the site.
 - Water or cover stockpiles of debris, soil, sand and other materials that can be blown by the wind.
 - Cover all trucks hauling soil, sand, and other loose materials and require all trucks to maintain at least two feet of freeboard.
 - Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction site.
 - Sweep streets daily (with water sweepers) when visible soil material is carried onto adjacent public streets.
 - Enclose, cover, water twice daily and apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - Install gravel bags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.
- IV. **BIOLOGICAL RESOURCES** – The project site does not include nor is it adjacent to riparian habitat, wetlands, or any other sensitive habitat, however 34 trees, including one ordinance sized tree, are planned for removal. As part of the project, the applicant shall ensure trees planned for removal are replaced at the following rates:
- Ordinance size trees 56” circumference or 18” diameter - 4:1 24-inch box native species
 - Tree 12-inch in diameter or greater - 2:1 15-gallon box native species
 - up to 12-inch in diameter - 1:1 15 gallon native species
- V. **GEOLOGY AND SOILS** – A geotechnical report was completed for the project. Development of the proposed project, in conformance with standard engineering practices and the recommendations made in the geotechnical report, would not result in significant geologic impacts.

- VI. **HAZARDS AND HAZARDOUS MATERIALS** – A visual inspection/pre-demolition survey, and sampling, determined the presence of asbestos-containing materials, lead-based paint and/or PCB containing fluorescent lights. Based on the survey results, specific abatement procedures were developed for demolition and incorporated into the project to avoid significant exposure and hazards to people and the environment from potential hazardous materials contamination.
- VII. **HYDROLOGY AND WATER QUALITY** – Implementation of the proposed project could result in increased storm water pollution. The following measures shall be implemented as part of the project, and shall be included on all project construction documents, contracts, and plans to avoid significant hydrology or water quality impacts:
- The project shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José zoning ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific measures shall be implemented by the construction superintendent to prevent storm water pollution and minimize potential sedimentation during construction.
 - restrict grading to the dry season or meet City requirements for grading during the rainy season;
 - use Best Management Practices to retain sediment on the project site;
 - use burlap bags filled with drain rock installed around storm drains to route sediment and other debris away from the drains;
 - provide temporary cover of disturbed surfaces to help control erosion during construction;
 - provide permanent cover to stabilize the disturbed surfaces after construction has been completed;
 - comply with the City of San José’s NPDES Permit requirements, the City’s ordinances and policies related to storm water management, the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity, and other applicable local, state, and federal requirements.
 - The project shall include site design source control and post-construction structural controls, and Best Management Practices (BMPs) for reducing the volume of storm water runoff and the contamination in storm water runoff as permanent features of the project including but not limited to: infiltration basins, structural treatment control, disconnected downspout measures, swales, porous pavers, in accordance with the City of San José’s requirements, and other local, state, and federal requirements.
- VIII. **LAND USE AND PLANNING** – The project does not conflict with any adopted habitat or other conservation plan. The project site is not within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction boundaries. The planned on-site parking would fulfill the requirements expressed in the City’s Zoning Ordinance. Exposure of library visitors in the parking lot to EMFs from the existing transmission line would not be prolonged or constant. The existing transmission line and tower adjacent to the site would not result in a significant land use compatibility impact. No impact, no mitigation is required.
- IX. **MINERAL RESOURCES** – The project is within a developed urban area. It does not contain any known or designated mineral resources. The project will not have a significant impact on this resource, therefore no mitigation is required.
- X. **NOISE** –

Impact: The proposed library site is exposed to noise levels exceeding those normally considered satisfactory for the intended use according to the City's Noise Element of the General Plan.

Mitigation: The project shall incorporate noise control measures in the design of the library building. A complete forced air and air conditioning system shall be included so that windows may be kept closed to control traffic noise intrusion. Operable windows and doors shall be minimized facing Hillsdale Avenue. Noise measures have been incorporated in the design of the library building in order to minimize noise intrusion in noise sensitive areas.

Impact: Noise from heating, ventilating, and air conditioning equipment for the library could exceed the 55 Ldn exterior noise standard at the common residential property boundary. This could result in a significant noise impact upon adjacent residences.

Mitigation: Per the recommendations of the Acoustical Engineer, the proposed rooftop-mounted mechanical equipment shall be shielded from the adjacent residential development utilizing rooftop screens or a perimeter parapet wall and noise control baffles, sound attenuators, or enclosures in order to reduce noise levels to less than significant. The proposed roof screening elements along the south edge of the building shall be constructed of a solid metal screening, whereas the remainder of the roof screening elements facing Hillsdale shall be constructed of the perforated metal screening.

Impact: Noise-generating activities associated with the construction of the proposed project would temporarily elevate noise levels at noise sensitive receptors adjacent to the project site to significant levels.

Mitigation: The following measures shall be included on all construction documents, contracts and project plans. To reduce the potential noise disturbance to adjacent land uses to a less than significant level, the project shall include the following mitigation measures:

- Limit construction to hours of 7:00 AM to 7:00 PM on Monday through Friday, with no noise generating construction activities on Saturdays, Sundays or holidays. Construction activities with low noise levels may occur on Saturdays, Sundays or holidays, upon review and approval from the Director of Planning.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Utilize "quiet" air compressors and other stationary noise sources when technology exists.
- Control noise from construction workers' radios to the point where they are not audible at existing residences bordering the project site.
- Notify residents adjacent to the project site of the construction schedule.
- Designate a "noise disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented.
- Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The City shall be responsible for designating a noise disturbance coordinator and the contractor will be responsible for posting the phone number and providing construction schedule notices).

- XI. **POPULATION AND HOUSING** – The new library would serve the existing residents and accommodate future need. The project does not propose any housing development and would not induce population or job growth or displace either housing or persons. The proposed project will not result in significant population and housing impacts.
- XII. **PUBLIC SERVICES** – The project will not result in substantial adverse physical impacts associated with a need for new government facilities in order to maintain acceptable levels of service or to the performance objectives for public services.
- XIII. **RECREATION** – The proposed Cambrian Branch Library would create recreational facilities for the neighborhood community by incorporating an adult area, a children’s storytelling area, and community rooms for community member socializing within the library, and will not result in significant impacts on the environment as a result of the use of recreational facilities.
- XIV. **TRANSPORTATION / TRAFFIC** – A traffic analysis prepared for the project determined that the proposed project would not result substantial additional peak hour traffic in the area or result in significant impacts to the transportation system
- XV. **UTILITIES AND SERVICE SYSTEMS** – The water demand for the proposed project would be similar to that of the existing Cambrian Branch Library. The proposed library would generate similar quantities of sewage and waste as the existing library and the existing utility services have adequate capacity to accommodate the incremental increase in demand resulting from the new building and services on the site. The project will not require new utility lines and will not exceed the capacity of existing utility systems.

PUBLIC REVIEW PERIOD

Before **5:00 p.m.** on **January 10, 2005**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft

MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: December 21, 2004

Deputy

Adopted on: _____

Deputy

PP04-05-168MND/TE/SBA